

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION

OF: DIEING ET AL.

SERIAL NO. 09/913,980

FILED: AUGUST 21, 2001

FOR: HAIR COSMETIC FORMULATIONS



MAIL STOP: AF

CONFIRMATION No.: 8232

GROUP ART UNIT: 1617

EXAMINER: SHAOJIA A. JIANG

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Alexandria, Va 22313-1450, on: January 14, 2005

Date of Deposit

Sabine Berg

Person Making Deposit

Signature

January 14, 2005

Date of Signature

Honorable Commissioner

for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY UNDER 37 C.F.R. §1.113(c) AND §1.116

Sir:

In reply to the Office action of January 01, 2005, it is respectfully requested that the following and the attached be entered and considered by the Examiner:

R E M A R K S

Claims 1 to 32 as presented with applicants' reply dated September 24, 2004, are currently pending. Claims Claims 1 to 25 and 32 stand rejected, and Claims 26 to 31 stand withdrawn from consideration in this application.

The Examiner reiterated the the rejection of Claims 21 to 25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable in light of claims 1 to 6 of **US 6,579,953**.

Applicants herewith submit a terminal disclaimer disclaiming the terminal part of a patent granted on this application which would